

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AGATA DROZDZ, an individual and TEAKRE
VEST, an individual,

Plaintiffs,

v.

USAA GENERAL INDEMNITY COMPANY,
UNITED SERVICES AUTOMOBILE
ASSOCIATION and USAA CASUALTY
INSURANCE COMPANY,

Defendants.

Case No. 2:20-cv-01010-JCC

CLASS ACTION

**STIPULATED MOTION AND [PROPOSED]
ORDER EXTENDING CASE SCHEDULE
DEADLINES**

**NOTED FOR CONSIDERATION:
FEBRUARY 16, 2022**

Plaintiffs Agata Drozdz and Teakre Vest and Defendants USAA General Indemnity Company, United Services Automobile Association and USSA Causality Insurance Company jointly move this Court to amend the briefing schedule on Plaintiffs' motion for class certification.

I. STIPULATION

Pursuant to LCR 7(d)(1), LCR 10(g), and LCR 16(b)(6), the parties respectfully submit this stipulated motion to extend the briefing schedule on class certification. In support of the motion, the parties state as follows:

1. Plaintiffs filed this proposed class action in King County Superior Court on March 5, 2020. *See* Dkt. No. 1-2. Defendants removed the case to this Court on June 29, 2020. *See* Dkt. No. 1.

STIPULATED MOTION AND [PROPOSED] ORDER
EXTENDING CASE SCHEDULE DEADLINES - 1
Case No. 2:20-cv-01010-JCC

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1 2. On September 8, 2020, Plaintiffs filed an amended complaint adding USAA
2 General Indemnity Company as a defendant in this matter. Dkt. No. 17. After Defendants
3 answered the amended complaint, the parties submitted a joint status report, and the Court
4 issued a scheduling order setting a trial date and related deadlines. *See* Dkt. Nos. 20, 24, 25. The
5 trial is currently scheduled for June 6, 2022. *See* Dkt. No. 25. The Court's scheduling order did
6 not include deadlines for briefing class certification. *See id.*

7 3. On June 16, 2021, Plaintiffs' former counsel Brendan W. Donckers, Cynthia J.
8 Heidelberg, and David E. Breskin withdrew as counsel for Plaintiffs in this matter. Dkt. No. 30.
9 Remaining counsel Young-Ji Ham commenced searching for new co-counsel with class action
10 experience to assist in the litigation of this case on behalf of Plaintiffs. New Plaintiffs' counsel
11 Blythe H. Chandler and Toby J. Marshall appeared in this matter on July 28, 2021. Dkt. Nos. 35
12 & 36.

13 4. Since appearing, new counsel has worked diligently to come up to speed on the
14 status of the case and focus on additional discovery needed before moving for class
15 certification. Counsel for all parties conferred telephonically on October 20, 2021. During that
16 call, the parties discussed additional data and documents that Plaintiffs needed prior to moving
17 for class certification. On the call and through subsequent email discussions in late October and
18 early November 2021, Defendants agreed to provide the additional data Plaintiffs requested
19 and acknowledged that Plaintiffs would need this information prior to taking depositions and
20 moving for class certification. The data is central to Plaintiffs' claims in this case.

21 5. On November 10, 2021, the parties submitted a stipulated motion and proposed
22 order asking the Court to set a briefing schedule on class certification and to continue all other
23 case deadlines until after the Court rules on class certification. The Court granted that motion
24 and set the briefing schedule proposed by the parties.

25 6. Good cause exists to continue the class certification briefing schedule by
26 approximately two months. When the parties filed their stipulated motion setting the current
27 schedule in November 2021, they anticipated that additional data and documents would be

produced by the end of that month and that depositions would be able to proceed in early January 2022 after receipt and analysis of that data. Production of the additional data was delayed, however, and Plaintiffs did not receive complete data production until January 28, 2022. Throughout the delay, the parties communicated frequently regarding the status of the data production and worked cooperatively to resolve other discovery issues. Thus, while the parties have been working to move discovery along, Plaintiffs have not yet been able to complete data analysis or take key depositions. Additional time is needed to allow the parties to complete class discovery, take depositions, and fully brief class certification. Despite their diligent efforts, the parties are unable to complete all of these tasks within the current case schedule.

7. As agreed in the prior stipulated motion, within two weeks of the Court's ruling on Plaintiffs' motion for class certification, the parties will submit a joint proposed case schedule for all remaining case deadlines, including mediation and trial.

8. The parties stipulate to the extended deadlines on class certification below and request the Court enter an order setting these deadlines:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs' Motion for Class Certification and any supporting expert reports	3/4/2022	5/6/2022
Deadline for completion of expert discovery relating to class certification issues – Plaintiffs' expert(s)	4/15/2022	6/17/2022
Defendants' Response to Plaintiffs' Motion for Class Certification and any supporting expert reports	5/20/2022	7/22/2022
Deadline for completion of expert discovery relating to class certification issues – Defendants' expert(s)	7/1/2022	9/2/2022

1 Plaintiffs' Reply in Support of Motion for Class Certification	7/22/2022	9/23/2022
2 Joint Proposed Case Schedule Setting 3 remaining case deadlines and Trial Date	4 Within 2 weeks of ruling on class certification	5 Within 2 weeks of ruling on class certification

6 STIPULATED TO AND DATED this 17th day of February, 2022.

7 TERRELL MARSHALL LAW GROUP PLLC

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18 *Attorneys for Plaintiffs*

19 *Attorneys for Defendants*

II. ~~[PROPOSED]~~ ORDER

IT IS SO ORDERED.

DATED this 17th day of February 2022.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE